

C I T Y P L A N N I N G C O M M I S S I O N M I N U T E S

M A Y 6, 2 0 0 4

A study session was held at 12:00pm in the City Council Lounge to discuss the PacificCenter Master Plan.

The regular meeting of the City Planning Commission reconvened Thursday, May 6, 2004, at 1:34pm in the City Council Chambers, 333 W. Ocean Boulevard.

PRESENT: COMMISSIONERS: Charles Greenberg, Nick Sramek, Morton Stuhlbarg, Charles Winn, Matthew Jenkins

ABSENT: COMMISSIONERS: Lynn Moyer

CHAIRMAN: Charles Greenberg

STAFF MEMBERS PRESENT: Greg Carpenter, Zoning Officer
Angela Reynolds, Advance Planning
Craig Chalfant, Planner III
Joe Recker, Planner I

OTHERS PRESENT: Mike Mais, Assistant City Attorney
Dennis Eschen, Parks, Recreation and Marine
Marcia Gold, Minutes Clerk

P L E D G E O F A L L E G I A N C E

Commissioner Sramek led the pledge of allegiance.

M I N U T E S

The minutes of April 1, 2004 were approved on a motion by Commissioner Winn, seconded by Commissioner Stuhlbarg and passed 4-0-1. Commissioner Sramek abstained, and Commissioner Moyer was absent.

S W E A R I N G O F W I T N E S S E S

C O N S E N T C A L E N D A R

Item 1A was removed from the Consent Calendar at the request of Commissioner Sramek.

Items 1B and 1C of the Consent Calendar were approved as presented by staff on a motion by Commissioner Jenkins, seconded by Commissioner Stuhlberg and passed 5-0. Commissioner Moyer was absent.

1A. Case No. 0403-15, Conditional Use Permit, CE 04-65

Applicant: Chuck Kaudy, Cars-Net, Inc.
Subject Site: 2800 Snowden Avenue (Council District 6)
Description: Conditional Use Permit to allow used car tent sales at Millikan High School.

Removed to the Regular Agenda.

1B. Case No. 0401-17, Site Plan Review, Standards Variance, ND 04-04

Applicant: City of Long Beach, Dept. of Parks,
Recreation & Marine, c/o The
Luckman Partnership
Subject Site: 1950 Lemon Avenue (Council District 6)
Description: Request for approval of a Site Plan Review for a one-story, 3,854 sq.ft. addition to the swimming pool building at Martin Luther King Jr. Park; and Standards Variance requests related to setbacks, parking and lot coverage.

Certified Negative Declaration 04-04 and approved the Site Plan Review and Standards Variance, subject to conditions.

1C. Case No. 0403-20, Conditional Use Permit, Standards Variance

Applicant: City of Long Beach Community Development
c/o David S. White
Subject Site: 1112-1130 Locust Avenue (Council District 1)
Description: Conditional Use Permit to allow the development of a temporary courtesy parking lot (76 spaces) on a residentially zoned parcel; and Standards Variance from the landscaping, screening and lighting requirements for parking lots.

Approved the Conditional Use Permit and Standards Variance, subject to conditions.

REGULAR AGENDA

1A. Case No. 0403-15, Conditional Use Permit, CE 04-65

Applicant: Chuck Kaudy, Cars-Net, Inc.
Subject Site: 2800 Snowden Avenue (Council District 6)
Description: Conditional Use Permit to allow used car tent sales at Millikan High School.

Joe Recker presented the staff report recommending approval of the request, since the proposed sales event would be a fundraiser for a local school; would occur no more than two weekends per year with minimal impact on adjacent residences; and because the proposal was consistent with zoning regulations.

In response to Commissioner Sramek's concern that granting this request could be precedent-setting, Mr. Carpenter said this was the first case of its kind to come before the Commission since the change was made to the code to allow these types of temporary events.

In response to Chairman Greenberg's concerns about the parameters of the conditional use permit, Assistant City Attorney Mais reported that the code change restricted this type of event to institutional uses of a certain size, but that nothing in the code allowed the Commission to look into the deal points to confirm there was no outside profit-taking.

Yulandria Pearson, 310 E. Orangethorpe Avenue, Suite M, Placentia, 92870, Executive Vice President, Cars-Net, Inc., stated that their company marketed the events while participating car dealerships did the actual selling. Ms. Pearson noted that Cars-Net paid a participation fee to the hosting school, plus fees for each vehicle sold.

John Deats, 3600 Pacific Avenue, asked if participating dealers needed a City business license, and were required to have an addendum to their State sales permit.

Mr. Recker explained that the conditions of approval required sellers' permits with a Long Beach address for the event, and that individual dealers had to have all other applicable business licenses in place.

Commissioner Stuhlbarg moved to approve the Conditional Use Permit subject to conditions. Commissioner Winn seconded the motion.

Commissioner Winn remarked that while he was in favor of new ideas to generate money for schools, he thought this one would be worth monitoring.

Commissioner Sramek agreed that it was a good idea as long as staff could get input from the school on the final results.

Chairman Greenberg added that if this event was successful, there would likely be more.

The question was called and the motion passed 5-0. Commissioner Moyer was absent.

2. Case No. 0306-32, Local Coastal Development Permit, Site Plan Review, ND 36-03

Applicant: City of Long Beach, Dennis Eschen,
Dept. of Parks, Recreation and Marine
Subject Site: 2300 E. Ocean Boulevard (Council Dist. 2)
Description: Bluff stabilization and park improvements,
including a skating plaza, 199-seat amphitheater,
playground equipment and new restroom building.

Joe Recker presented the staff report recommending approval of the request, since the proposed project would facilitate the continuance of skateboarding activities in the area while minimizing destruction to the Bixby Park historical band shell; and since it was consistent with Local Coastal Plan recreational recommendations, satisfied community suggestions, and improved public access between Bixby Park and the beach.

Dennis Eschen, City of Long Beach, Parks, Recreation and Marine, 2760 Studebaker Road, described the project, which started as bluff erosion mitigation and ended up as a recreational opportunity. Mr. Eschen added that parking would be ample on the road and in the lot, and that they had involved local artists in the process, who had incorporated the iconology of the Pike in the final design.

Commissioner Jenkins observed that the project not only addressed the long-time erosion of the bluff, but would also be a tremendous asset to the community.

Elizabeth Handley, 2309 E. Ocean Blvd., said she thought this was a wonderful project but asked that the site's homeless issue

be addressed with strict monitoring, lights and security to prevent loitering in the lower area.

Mr. Eschen said that the Police Department had required lighting bright enough to illuminate the area for security purposes. He added that not only were the benches designed with bumps to discourage sleeping, they were also regrading and changing the landscaping to discourage transients.

Commissioner Winn agreed it was a great project, and he moved to approve the Site Plan Review and Local Coastal Development Permit, subject to conditions of approval. Commissioner Jenkins seconded the motion, which passed 5-0. Commissioner Moyer was absent.

3. Case No. 0401-09, Standards Variance, CE 04-06

Applicant: Charles Belak-Berger
Subject Site: 56 La Linda Drive (Council Dist. 8)
Description: Standards Variance for construction of a two-story single-family residence with an attached two-car garage.

Craig Chalfant presented the staff report recommending approval of the requests, since the proposed residence would not have any adverse effects to the existing project site vegetation or the surrounding neighborhood, and since findings could be made to support the variance request. Mr. Chalfant also presented a site plan showing the redesign of the project around the old oak tree on the property, and explained how the conditions of approval had been adjusted to incorporate the recommendations of the arborist.

Charles Belak-Berger, 118 S. Catalina Avenue, Suite D, Redondo Beach, 90277, project architect, said that they had ended up with a complex project designed to preserve the oak tree, and that they were in agreement with the conditions of approval and the staff choice of arborist.

In response to a query from Chairman Greenberg, Mr. Belak-Berger explained that the tree covered 70% of the lot, and that about 20% of it would be trimmed for the health of the tree and to make room for the house.

Greg Applegate, 1131 Lucinda Way, Tustin, 92780, project arborist, outlined the measures planned to minimize construction impact on the tree, with less than 10% of the root zone

impacted. Mr. Applegate added that mitigation included invigorating the tree during all phases of construction, but not with as much irrigation as noted in the staff report.

Harry Pope, 45 La Linda Drive, representing the homeowners' association, stated that their primary goal was to preserve the tree, and that they did not want any of the roots impacted. Mr. Pope said they felt the lot was substandard for such a large house, and that as designed, it would negatively impact the adjacent neighbor's light and views. Mr. Pope suggested that if the project was approved, two additional conditions be added to increase the setback and vegetation along the northwest side, and to record a covenant against the lot to require that the tree be cared for by an arborist for at least 50 years.

In response to a query from Chairman Greenberg as to what kind of house could be built with the variances and restrictions the homeowners' association would support, Mr. Pope said it would end up being a triangular house of no more than 1400 square feet.

Commissioner Jenkins suggested that the homeowners' association buy the lot and donate it to the Oak Preservation Society.

John Deats, 3600 Pacific Avenue, suggested stronger conditions of approval to possibly require that the oak be replaced with a huge mature tree if it was destroyed during construction.

Mark Osborne, 202 E. Bixby Road, neighbor and architect, said he agreed that the lot was substandard overall, and that as it stood, the project did not successfully address the site, area architectural style, gateway lot location or Bixby Road streetscape.

Barbara Tidball, 3826 Westin, neighbor, expressed opposition to the project, saying she felt there was no hardship to the applicant to justify the precedent-setting variance request, and that the house as designed was incompatible with the neighborhood.

Jeff Kellogg, 212 E. Bixby Road, stated he was opposed to the project because the small setback and removal of the hedge along Bixby Road would affect the look of the neighborhood, and that he did not like ingress and egress for the lot off of that street.

Jim Lamhofer, 52 La Linda Drive, also expressed opposition to the project, citing a potentially negative impact on his property value.

Mr. Belak-Berger pointed out that there were many different kinds of homes in the neighborhood already, and that the tree made the situation unique, but they had designed around it.

Patrick Jones, 415 Torrance Blvd., Redondo Beach, 90277, lot owner, stated that they had purchased the lot because of the tree and had every intention of preserving it. Mr. Jones said they had always kept the City and homeowners' association informed during the entire design process, and always addressed objections of the residents. He noted that in the past 30 years, the tree had never been cared for at all. Mr. Jones also remarked that the hedge along Bixby Road would not be removed; just enhanced with a wrought-iron fence on the inside to prevent entrance into the tract through the hedge, and that they had no objection to increasing the setback to 6' of the property line of the nearest neighbor.

In response to a query from Chairman Greenberg, Mr. Jones said they would not object to a covenant to run with the land, giving the homeowners' association the right to maintain the tree with experts of their own. Mr. Greenberg clarified that this meant the association would have the right of access, and that whoever prescribed the tree care program would have to carry out the process.

Commissioner Winn said he felt satisfied that everything possible to save the tree was being done by the applicant, and that there was an existing hardship, but he was concerned about the size of the building on the lot.

Mr. Carpenter explained the zoning oddity that created the unusual determination of the front of the lot, noting that the lot was an existing legal non-conforming one, and that the desire to save the tree was driving the staff's recommendation and the builder's design.

Commissioner Sramek observed that the applicant had a right to build on his lot, and applauded his effort to save the tree, but he said he could not support the reduced setbacks.

Commissioner Sramek moved to deny the Standards Variance request. The motion died for lack of a second.

Chairman Greenberg noted that it would create a constitutional liability to deny the applicant reasonable use of the property, but there was no law against removing the tree, except the community, property owner and staff were trying to save it. Mr. Greenberg pointed out that this was the unique aspect of the project, and he suggested that everyone work together to come up with a way to deal with the issues while allowing the developer full legal use of his property.

Chairman Greenberg said there would have to be tough compromises on how the house would be built. Mr. Greenberg added that he did not like the 6' northwest setback, and acknowledged that the homeowners' association didn't trust an as-yet unknown homeowner to take care of the tree, yet they didn't want the responsibility either. He noted that no one would have bought such an expensive substandard lot if they weren't interested in caring for the tree. Chairman Greenberg added that the Bixby Road setback was an accident of zoning that created the need for a variance, and that the neighbors should be more interested how the house would look along La Linda than in a separation conditioned by an existing hedge and internal wrought-iron fence.

Mr. Mais suggested that the burden of tree maintenance not be put on the homeowners' association, since there were too many liability issues, but rather be conditioned that the owner of the property maintain the tree under the care of a City-selected and supervised arborist.

Commissioner Jenkins said he wanted to see a compromise incorporating the health of the tree and the reasonable use of the lot, so he moved to continue the item to the June 3 meeting, and directed staff to work with the developer and the homeowners' association to reach a compromise. Commissioner Winn seconded the motion.

Commissioner Sramek expressed concern about the reduced setbacks and street appearance, and asked if the applicant could make some changes.

Mr. Belak-Berger said they would work with staff to reduce the overall square footage of the project, increase setbacks and shave off the north corner of the house.

The question was called, and the motion passed 5-0. Commissioner Moyer was absent.

M A T T E R S F R O M T H E A U D I E N C E

There were no matters from the audience.

**M A T T E R S F R O M T H E D E P A R T M E N T O F
P L A N N I N G A N D B U I L D I N G**

Angela Reynolds discussed the community meeting at which the General Plan was presented, and she handed out a report titled, 'General Plan Update -- Land Use and Mobility Elements.'

**M A T T E R S F R O M T H E P L A N N I N G
C O M M I S S I O N**

There were no matters from the Planning Commission.

A D J O U R N

The meeting adjourned at 4:14pm.

Respectfully submitted,

Marcia Gold
Minutes Clerk